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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AG. G. a minor, by and through his guardian ad
litem, JESSICA AQUINO; AR. G., a minor, by
and through his guardian ad litem, JESSICA
AQUINO; KARLA GONSALEZ, individually;
and AUGUSTIN GONZALES JR., individually;

Plaintiffs,

vs.

CITY OF HAYWARD, a municipal corporation;
MARK KOLLER, individually; PHILLIP
WOOLEY, individually; MICHAEL CLARK,
individually; TASHA DECOSTA, individually;
and DOES 1-100, inclusive,

Defendants.

Case No. 4:19-cv-00697 DMR

**DECLARATION OF BENJAMIN
NISENBAUM IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

**Date: July 9, 2020
Time: 1:00 p.m.
Courtroom: 4**

Hon. Donna M. Ryu

DECLARATION OF BENJAMIN NISENBAUM

I, Benjamin Nisenbaum, hereby declare:

1. I am one of the attorneys of record for the Plaintiffs. This declaration is submitted in support of Plaintiffs' Opposition to Defendants Motion for Summary Judgment.
2. Attached hereto as Exhibit A is a true and correct copy of Defendant Phillip Wooley's body-cam video pertaining to the instant matter;
3. Attached hereto as Exhibit B is a true and correct copy of relevant segments of the deposition of Defendant Phillip Wooley taken in the instant-matter, pertaining to the instant matter;

1 4. Attached hereto as Exhibit C is a true and correct copy of selected pages from the Taser
2 User Manuals for the X-2 and the X-26 models, pertaining to the instant matter;

3 5. Attached hereto as Exhibit D is a true and correct copy of the Rule 26 Rebuttal report of
4 Plaintiffs' videoforensic expert Gregg Stutchman, including its exhibits, pertaining to the instant
5 matter;

6 6. Attached hereto as Exhibit E is a true and correct copy of relevant portions of the
7 deposition testimony of Defendant Michael Clark, pertaining to the instant matter;

8 7. Attached hereto as Exhibit F is a true and correct copy of the Rule 26 Opening report of
9 Plaintiffs' videoforensic expert Gregg Stutchman, with selected exhibits, pertaining to the instant
10 matter;

11 8. Attached hereto as Exhibit G is a true and correct copy of the OIS interview transcript of
12 Defendant Wooley, produced by Defendants, pertaining to the instant matter;

13 9. Attached hereto as Exhibit H is a true and correct copy of relevant portions of the
14 deposition of Defendant Tasha DeCosta, pertaining to the instant matter;

15 10. Attached hereto as Exhibit I is a true and correct copy of the Rule 26 Report of plaintiffs'
16 police practices expert Roger Clark, pertaining to the instant matter;

17 11. Attached hereto as Exhibit J is a true and correct copy of Defendant DeCosta's body-cam
18 video, pertaining to the instant matter;

19 12. Attached hereto as Exhibit K is a true and correct copy of the complete deposition of
20 Defendants police practice expert Scott Seaman, pertaining to the instant matter;

21 13. Attached hereto as Exhibit L is a true and correct copy of relevant portions of the
22 deposition of Christina Rodrigues, pertaining to the instant matter;

23 14. Attached hereto as Exhibit M is a true and correct copy of the OIS interview transcript of
24 Defendant Michael Clark produced by Defendants, pertaining to the instant matter;

25 15. Attached hereto as Exhibit N is a true and correct copy of relevant portions of the
26 deposition of Defendants PMK deponent Lt. Mark Ormsby, pertaining to the instant matter;

27 16. Attached hereto as Exhibit O is a true and correct copy of relevant portions of the
28 deposition of Defendants PMK deponent Sgt. Faye Maloney, pertaining to the instant matter;

